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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,101	12/27/2005	Sarah C. Bodary-Winter	P1978R1	3802

9157 7590 08/08/2007

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EXAMINER	
BASKAR, PADMAVATHI	
ART UNIT	**PAPER NUMBER**
1645	

MAIL DATE	DELIVERY MODE
08/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,101	BODARY-WINTER ET AL.	
	Examiner	Art Unit	
	Padmavathi v. Baskar	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, Claims 1-9 (in part) are drawn to an isolated polynucleotide, recombinant expression vector, host cell, and a process for producing polypeptide
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group II, Claims 10-12 and 15-17(in part) drawn to polypeptide and a composition comprising said polypeptide.
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group III Claims 13-14 and 15 –17 (in part) drawn to an antibody and a composition comprising said polypeptide agonist or antagonist or antibody
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group IV Claims 18 (in part) drawn to an article manufacture
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Group V Claim 19 (in part) drawn to a method for treating psoriasis using PRO polypeptide or antagonist or antibody
Further restriction to one SEQ.ID.NO required (see paragraph # 4).

Groups VI Claim 20 (in part) drawn to a method for determining the presence of PRO polypeptide in a sample using anti PRO antibody
Further restriction to one anti PRO- antibody required (see paragraph # 4).

Group VII Claim 21 (in part) drawn to a method for diagnosing psoriasis using gene encoding PRO polypeptide
Further restriction to one PRO polypeptide required (see paragraph # 4).

Group VIII Claim 22 (in part) drawn to a method for diagnosing psoriasis using anti pro antibody
Further restriction to one anti PRO- antibody required (see paragraph # 4).

Group IX Claim 23 (in part) drawn to a method of identifying a compound that inhibits the activity of PRO polypeptide
Further restriction to one PRO- polypeptide required (see paragraph # 4).

Group X Claims 24-25 (in part) drawn to a method of identifying a compound that inhibits the expression of gene enclosing PRO-polypeptide
Further restriction to one PRO- polypeptide required (see paragraph # 4).

Group XI Claim 26 (in part) drawn to a method of identifying a compound that mimics the activity of PRO polypeptide
Further restriction to one PRO- polypeptide required (see paragraph # 4).

The inventions listed as Groups 1-XI (in Part) do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

2. The technical feature of linking Groups I-XI appears to be that they all relate to polynucleotide, polypeptide and antibody.

The technical feature of linking groups appears to be that they are all related to peptides, nucleic acids and antibodies and methods of using peptides, nucleic acids and antibodies.

However, Baker KP, et al WO200168848-A2disclose an isolated nucleic acid enclosing SEQ.ID.NO:2 (see the sequence analysis below)

Alignment Scores:

Pred. No.: 1.2e-85 Length: 732
Score: 895.00 Matches: 160
Percent Similarity: 100.0% Conservative: 0
Best Local Similarity: 100.0% Mismatches: 0
Query Match: 100.0% Indels: 0
DB: 4 Gaps: 0

US-10-527-101A-2 (1-160) x AAS46213 (1-732)

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Qy          1 MetIleAsnProGluLeuArgAspGlyArgAlaAspGlyPheIleHisArgIleValPro 20
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db         19 ATGATTAATCCAGAGCTGCGGGATGGCAGAGCTGATGGCTTCATACATCGGATAGTTCCC 78

Qy         21 LysLeuIleGlnAsnTrpLysIleGlyLeuMetCysPheLeuSerIleIleIleThrThr 40
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
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Db        79 AAGTTGATACAAAACTGGAAGATTGGCCTTATGTGCTTCCTGAGTATTATTATTACTACA 138

Qy        41 ValCysIleIleMetIleAlaThrTrpSerLysHisAlaLysProValAlaCysSerGly 60
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       139 GTTTGCATTATTATGATAGCCACATGGTCCAAGCATGCTAAACCTGTGGCATGTTCAGGG 198

Qy        61 AspTrpLeuGlyValArgAspLysCysPheTyrPheSerAspAspThrArgAsnTrpThr 80
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       199 GACTGGCTTGGAGTGAGAGATAAGTGTTTCTATTTTTCTGATGATACCAGAAATTGGACA 258

Qy        81 AlaSerLysIlePheCysSerLeuGlnLysAlaGluLeuAlaGlnIleAspThrGlnGlu 100
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       259 GCCAGTAAAATATTTTGTAGTTTGCAGAAAGCAGAACTTGCTCAGATTGATACACAAGAA 318

Qy       101 AspMetGluPheLeuLysArgTyrAlaGlyThrAspMetHisTrpIleGlyLeuSerArg 120
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       319 GACATGGAATTTTTGAAGAGGTACGCAGGAACTGATATGCACTGGATTGGACTAAGCAGG 378

Qy       121 LysGlnGlyAspSerTrpLysTrpThrAsnGlyThrThrPheAsnGlyTrpProSerAsn 140
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       379 AAACAAGGAGATTCTTGGAAATGGACAAATGGCACCACATTCAATGGTTGGCCATCAAAC 438

Qy       141 SerLysTrpSerCysAsnTrpSerLeuArgGlnTrpLeuLeuLeuGlyProLeuArg 160
             ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db       439 TCCAAATGGTCTTGCAACTGGAGCCTCCGACAATGGCTTCTTCTGCTGGGACCCCTTAGA 498
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and thus read on group I. Therefore, the technical feature of linking groups I-XI does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art and hence unity of invention is lacking.

3. The special technical feature of Group I considered to be nucleic acid encoding polypeptide that shares no common structure, property and function with Group II since peptides contain amino acids and do not share the same or a corresponding technical feature with Group II nucleic acids.

The special technical feature of Group III considered to be antibody that shares no common structure, property and function from Inventions I and II since it has an inherent affinity, avidity, and specificity that DNA or a simple protein is not capable of expressing and do not require each other for their practice.

The technical feature linking groups IV-XI is considered to be methods utilizing products that share no common structure, property and function so as to form a single general inventive concept under Rule 13.1. Hence, unity is lacking among groups.

DISTINCT INVENTIONS

4. For each group of inventions I-XI above, restriction to one of the following SEQ.ID.NO or PRO polypeptide or PRO antibody is also required under PCT Rule 13.1 because, under PCT Rule 13.2. Therefore, election is required of one of inventions I-XI and one of SEQ.ID.NO: 1-42 or one gene encoding PRO polypeptide or one PRO polypeptide or PRO antibody

Inventions SEQ.ID.NO: 1-42 or one gene encoding PRO polypeptide or one PRO polypeptide or PRO antibody(if different from SEQ.ID.NO: 1-42) are not so linked as to under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The claimed polypeptides and polynucleotides (i.e., SEQ.ID.NO 1-42) or gene encoding PRO19597, PRO83469, PROI189, PRO83470, PRO28700, PRO1246, PRO83471, PRO6244, PRO83472, PROI9600, PRO4977, PRO83473, PRO83474, PRO617, PR071057, PRO83475, PRO1065, PRO83476, PRO200, PRO1361 or PRO83477 polypeptide or PRO19597, PRO83469, PROI189, PRO83470, PRO28700, PRO1246, PRO83471, PRO6244, PRO83472, PROI9600, PRO4977, PRO83473, PRO83474, PRO617,PR071057, PRO83475, PRO1065, PRO83476, PRO200, PRO1361 or PRO83477 polypeptide or an anti-PRO19597, anti- PRO83469, anti-PRO1189, anti-PRO83470, anti-PRO28700, anti-PRO1246, anti-PRO83471, anti-PRO6244, anti-PRO83472, anti-PRO 19600, anti-PRO4977, anti-PRO83473, anti-PRO83474, anti-PRO617, anti-PRO71057, anti-PRO83475, anti-PRO 1065, anti-PRO83476, anti-PRO200, anti-PRO 1361 or anti- PRO83477 share no common special technical feature because the polynucleotides and peptides have no common structure (i.e., no common sequence) as evidenced by their sequences SEQ.ID.NO 1-68. These sequences that share no common structure as polynucleotides and polypeptides and are not linked by the same the same or a corresponding special technical feature so as to form a single general inventive concept. Therefore, where structural identity is required, such as for hybridization or expression of protein or binding of antibody, each sequence appears perform a different function in that peptides elicit an antibody response and nucleic acids encode peptides that specifically bind to an antibody. Thus they share no common structure and function so as to form a single general inventive concept under Rule 13.1. Hence, unity is lacking among groups SEQ.ID.NOS or gene encoding PRO polypeptide or PRO polypeptide or anti- PRO antibody. Applicant is required under PCT Rule 13.1 because, under PCT Rule 13.2 to elect a single disclosed SEQ.ID.NO from any group elected.

5. Applicant is required, in reply to this action, to elect a group and one sequence and identify the SEQ.ID.NO to which the claims shall be restricted. The reply must also identify the claims readable on the elected invention, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice

published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600

Padma Baskar Ph.D.

SUSAN UNGAR, PH.D
PRIMARY EXAMINER